



State of New Jersey

DEPARTMENT OF EDUCATION
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Adoption Level
February 1, 2006

RICHARD J. CODEY
Acting Governor

LUCILLE E. DAVY
Acting Commissioner

TO: Members, State Board of Education

FROM: Lucille E. Davy
Acting Commissioner

SUBJECT: N.J.A.C. 6A:9, Professional Licensure and Standards

REASON FOR
ACTION: Amendments

PROJECTED
SUNSET DATE: January 20, 2009

Summary

The Department of Education (Department) is proposing to amend the rules for N.J.A.C. 6A:9, Professional Licensure and Standards. As part of the comprehensive review of code process, this chapter was completely revised and recodified from N.J.A.C. 6:11, Professional Licensure and Standards, to N.J.A.C. 6A:9. This chapter strengthens the State licensure system based on professional standards for pre-service preparation, certification and professional development. N.J.A.C. 6A:9 was adopted by the State Board of Education (State Board) on December 17, 2003 and was published in the January 20, 2004 New Jersey Register at 36 N.J.R. 496(a). Three separate rulemakings were considered by the State Board of Education since December 20, 2003. The first rulemaking included new instructional endorsements for elementary school with subject matter specialization, business education/business-related technologies, family and consumer sciences and technology education and became effective on August 2, 2004. The second rulemaking included provisions to provide flexibility in the use of the GPA and State test performance as criteria for teacher certification and became effective on November 1, 2004. The third rulemaking included grandfathering and timelines, training requirements for cooperative education and structured learning experiences/career education coordinators and a new endorsement for office administration/office systems technology and became effective on April 4, 2005.

The Department is proposing additional amendments to N.J.A.C. 6A:9 to address certain requirements for emergency certification of special education, bilingual/bicultural education and English as a second language teachers. The proposed amendments at N.J.A.C. 6A:9-11.3(p) and (q), 11.4(j) and (k) and 11.5(h) and (i) will extend the time limit for these emergency instructional certificates from January 20, 2006 until August 31, 2006 and will also allow candidates in possession of written evaluations completed by the Office of Licensure and Credentials, and who are enrolled in special education, bilingual/bicultural or English as a second language teacher preparation programs, until August 31, 2006 to complete the study requirements for certification. Additionally, extending the date until August 31, 2006 avoids disruption of classes in the middle of the school year and allows for continuity of instruction during summer school sessions.

The proposed amendments are consistent with both the State Board strategic plan, Goal 4, which focuses on teacher and administrator preparation and professional development, and the Department's mission statement. As part of its mission to provide leadership, the Department is proposing amendments to the rules to strengthen the requirements in the preparation of teachers, school leaders and other school personnel to fulfill their educational responsibilities.

The proposed amendments will have a positive impact on district boards of education employing certificated personnel and individual candidates seeking certification. The proposed amendments will provide further clarification of the rules and strengthen the licensure process, while conforming to the Core Curriculum Content Standards and the Federal No Child Left Behind Act (NCLB) regarding "highly qualified teachers."

As the Department has provided a 60-day comment period in this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5. The following summary provides a brief overview of the proposed amendments:

Subchapter 11. Exceptions to Requirements for the Instructional Certificate

N.J.A.C. 6A:9-11.3 Special education

This section establishes the requirements for special education endorsements and authorizations. There is a proposed amendment at N.J.A.C. 6A:9-11.3(p) to extend the expiration date of emergency special education certificates from January 20, 2006 to August 31, 2006 for those individuals currently teaching under emergency certification. There is also a proposed amendment at N.J.A.C. 6A:9-11.3(q) to extend the date from January 20, 2006 to August 31, 2006 for candidates in possession of a written evaluation completed by the Office of Licensure and Credentials to complete the requirements for special education certification.

N.J.A.C. 6A:9-11.4 Bilingual/bicultural education

This section establishes the requirements for the bilingual/bicultural education endorsement. There is a proposed amendment at N.J.A.C. 6A:9-11.4(j) to extend the expiration date of emergency bilingual/bicultural education certificates from January 20, 2006 to August 31, 2006 for those individuals currently teaching under emergency certification. There is also a proposed amendment at N.J.A.C. 6A:9-11.4(k) to extend the date from January 20, 2006 to August 31, 2006 for candidates in possession of a written evaluation completed by the Office of Licensure and Credentials to complete the requirements for bilingual/bicultural education certification.

N.J.A.C. 6A:9-11.5 English as a second language

This section establishes the requirements for the English as a second language endorsement. There is a proposed amendment at N.J.A.C. 6A:9-11.5(h) to extend the expiration date of emergency English as a second language certificates from January 20, 2006 to August 31, 2006 for those individuals currently teaching under emergency certification. There is also a proposed amendment at N.J.A.C. 6A:9-11.5(i) to extend the date from January 20, 2006 to August 31, 2006 for candidates in possession of a written evaluation completed by the Office of Licensure and Credentials to complete the requirements for English as a second language certification.

Social Impact

The proposed amendments will have a positive social impact on district boards of education by allowing them to maintain current workforce levels and by continuing to assure that the State's licensing system is based on professional standards, is aligned with the State's Core Curriculum Content Standards and meets the needs of both educational practitioners and students. Moreover, the proposed amendments will, ultimately, improve the quality of instruction and educational outcomes for New Jersey's children.

Economic Impact

The proposed amendments will have little overall economic impact on local school districts, educators seeking certification and the general public. Instructional, administrative and educational services certification qualifies candidates for employment in New Jersey's public schools. These candidates, like those individuals in virtually all other states, are required to pay tuition for the acquisition of academic degrees and other costs associated with the qualifying procedure. These costs, therefore, are negligible to the general public. Individual candidates seeking certification, however, are responsible for paying the fees associated with the preparation and evaluation of credentials, and the issuance of certificates.

Federal Standards Statement

The proposed amendments will align New Jersey's instructional endorsements with the Federal requirements under the No Child Left Behind Act (PL 107-110, section 1110(a)(2)) that all teachers of core academic subjects be highly qualified by the end of the 2005-2006 school year. The proposed amendments do not exceed Federal standards or requirements as there are no other Federal standards that are applicable to the proposed amendments.

Jobs Impact

It is anticipated that the proposed amendments are likely to increase the pool of teaching staff members. There are no anticipated job losses resulting from the proposed amendments.

Agriculture Industry Impact

No impact on the agriculture industry is anticipated as a result of the proposed amendments.

Regulatory Flexibility Statement

The proposed amendments apply to public schools, approved private schools for the disabled, and providers of publicly-funded preschool education. The approved private schools for the disabled and providers of publicly-funded preschool education could be considered small businesses, as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. There are approximately 164 private schools for the disabled and approximately 500 providers of publicly-funded preschool education. The proposed amendments do not impose any additional reporting, recordkeeping or compliance requirements. The private schools for the disabled and providers of publicly-funded preschool education are currently required to employ appropriately certified teaching staff, and the proposed amendments do not change that requirement. Accordingly, no professional services should be necessary to comply with the regulatory requirements. There is no capital costs associated with the proposed amendments.

Smart Growth Impact

The proposed amendments will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER 9. PROFESSIONAL LICENSURE AND STANDARDS

SUBCHAPTER 11. EXCEPTIONS TO REQUIREMENTS FOR THE INSTRUCTIONAL CERTIFICATE

6A:9-11.3 Special education

- (a) The following are special education endorsements and authorizations:
1. Teacher of students with disabilities: This endorsement authorizes teaching students with disabilities.
 2. Teacher of the blind or visually impaired: This endorsement authorizes teaching blind or visually impaired students.
 3. Teacher of the deaf or hard of hearing for oral/aural communication: This endorsement authorizes teaching deaf or hard of hearing students using oral/aural communication strategies.
 4. Teacher of the deaf or hard of hearing for sign language communication: This endorsement authorizes teaching deaf or hard of hearing students using sign language communication strategies.

5. Holders of special education endorsements as set forth in (a)1 through 4 above also may provide consultative services and supportive resource programs, including supplemental instruction, modification and adaptation of curriculum and instruction to students with disabilities in general education programs in grades preschool through 12.

(b) To be eligible for a CE in special education, the candidate shall:

1. Possess or be eligible for a standard or provisional New Jersey instructional certificate with an endorsement appropriate to the subject or grade level to be taught as defined in the student's IEP;
2. Complete six semester-hour credits in special education chosen from the topics listed in (e)2, (f)2, (g)2 or (h)2 below as appropriate to the endorsement sought. The candidate shall complete the required study at a regionally accredited four year college or university approved for teacher education pursuant to N.J.A.C. 6A:9-5.12 or through a Department-approved provider; and
3. For the deaf or hard of hearing for sign language communication endorsement, achieve an intermediate or higher score on the Sign Communication Proficiency Interview (SCPI).

(c) To be eligible for the CEAS in special education, the candidate who has met the requirements in (b)1 above shall complete one of the programs of teacher preparation set forth in (c)1 through 5 below. In addition to the CEAS in special education, candidates for the deaf or hard of hearing with sign language communication endorsement must achieve an intermediate or higher score on the SCPI.

1. A New Jersey program, graduate or undergraduate, approved by the Department for the preparation of special education teachers as identified in N.J.A.C. 6A:9-10;
2. A special education college preparation program included in the interstate certification reciprocity system of NASDTEC;
3. An out-of-State special education teacher education program approved by NCATE;
4. A special education teacher education program approved for certification by the state department of education in one of the states party to the NASDTEC Interstate Contract, provided the program was completed on or after January 1, 1964 and the state in which the program is located would issue the candidate a comparable certificate; or

5. An out-of-State special education teacher preparation program approved by the state department of education in which the program is located.
- (d) For issuance of a provisional certificate a candidate must:
1. Hold a CE or CEAS in the special education endorsement area and the instructional endorsement required for the teaching assignment; and
 2. Obtain and accept an offer of employment in a position that requires special education certification.
- (e) Except as provided in (f), (g) and (h) below, while teaching under a provisional certificate with a Students with Disabilities endorsement, the candidate shall complete:
1. An approved district training program pursuant to N.J.A.C. 6A:9-8.3 and 8.4; and
 2. A Department approved program at a college or university that includes a range of 21 to 27 credit hours of formal instruction in the following topics:
 - i. Philosophical, historical and legal foundations of special education;

- ii. Characteristics of students with disabilities;
- iii. Standardized and functional assessment;
- iv. Strategies for the development of literacy;
- v. Curriculum planning, learning environments, modifications and materials for students with disabilities;
- vi. Inclusive education practices, positive behavioral supports, communication and collaborative partnerships;
- vii. Assistive technology; and
- viii. Transition planning, program development and agencies available for students with disabilities.

(f) While teaching under a provisional certificate with a Blind or Visually Impaired endorsement, the candidate shall complete:

- 1. An approved district training program pursuant to N.J.A.C. 6A:9-8.3 and 8.4; and
- 2. A Department approved program at a college or university that includes a range of 21 to 27 credit hours of formal instruction in the following topics:
 - i. Philosophical, historical and legal issues in the education of students who are blind/visually impaired;

- ii. Anatomy, physiology and characteristics of students who are blind/visually impaired;
- iii. Standardized and functional assessment of students who are blind/visually impaired;
- iv. Strategies and materials for developing literacy and numeracy skills in students who are blind or visually impaired including Braille and Nemeth codes;
- v. Curriculum planning, learning environments, modifications and materials for students who are blind/visually impaired;
- vi. Inclusive education practices, positive behavioral supports, communication and collaborative partnerships;
- vii. Assistive technology and augmentative communication systems for students who are blind or visually impaired;
- viii. Orientation and mobility concepts and techniques; and
- ix. Transition planning, program services and agencies available for students who are blind/visually impaired.

(g) While teaching under a provisional certificate with a Deaf or Hard of Hearing with oral/aural communication endorsement, the candidate shall complete:

- 1. An approved district training program pursuant to N.J.A.C. 6A:9-8.3 and 8.4; and

2. A Department approved program at a college or university that includes a range of 21 to 27 credit hours of formal instruction in the following topics:
 - i. Philosophical, historical and legal issues in the education of students who are deaf/hard of hearing;
 - ii. Characteristics of students who are deaf/hard of hearing;
 - iii. Standardized and functional assessment of students who are deaf/hard of hearing;
 - iv. Strategies for the development of language and literacy of students who are deaf/hard of hearing;
 - v. Curriculum planning, learning environments, modifications and materials for students who are deaf/hard of hearing;
 - vi. Inclusive education practices, positive behavioral supports, communication and collaborative partnerships;
 - vii. Speech, applied audiology, assistive listening devices and assistive technology;
 - viii. American Sign Language, deaf culture and communication philosophies; and
 - ix. Transition planning, program services and agencies available for students who are deaf/hard of hearing.
- (h) While teaching under a provisional certificate with a Deaf or Hard of Hearing with sign language communication endorsement, the candidate shall complete:

1. An approved district training program pursuant to 6A:9-8.3 and 8.4; and
2. A Department approved program at a college or university that includes a range of 21 to 27 credit hours of formal instruction in the following topics:
 - i. Philosophical, historical and legal issues in the education of students who are deaf/hard of hearing;
 - ii. Characteristics of students who are deaf/hard of hearing;
 - iii. Standardized and functional assessment of students who are deaf/hard of hearing;
 - iv. Strategies for the development of language and literacy of students who are deaf/hard of hearing;
 - v. Curriculum planning, learning environments, modifications, and materials for students who are deaf/hard of hearing;
 - vi. Inclusive education practices, positive behavioral supports, communication and collaborative partnerships;
 - vii. Speech, applied audiology, assistive listening devices, and assistive technology;
 - viii. American Sign Language, deaf culture and communication philosophies; and
 - ix. Transition planning, program services and agencies available for students who are deaf/hard of hearing.

- (i) Holders of a CEAS in special education pursuant to (c) above are not required to complete (e)2, (f)2, (g)2 or (h)2 above.
- (j) Holders of a CEAS in Students with Disabilities are not required to complete (e)2 above. Holders of a CEAS in Blind or Partially Sighted are not required to complete (f)2 or above. Holders of a CEAS in Deaf or Hard of Hearing with oral/aural communication are not required to complete (g) 2 above. Holders of a CEAS in Deaf or Hard of Hearing with sign language communication are not required to complete (h)2 above.
- (k) No person shall be employed under provisional certification for more than five years in a position requiring certification as a special education teacher.
- (l) The special education pedagogy shall be completed at a regionally accredited four year college or university.
- (m) To be eligible for the standard certificate with an endorsement in special education, the candidate shall:
 - 1. Possess a provisional certificate pursuant to (d) above, complete a state-approved training program pursuant to (e), (f), (g) or (h) above while employed provisionally in a position requiring the relevant special

education endorsement and hold a standard New Jersey instructional certificate; or

2. Complete a state approved college special education preparation program in another state, complete the New Jersey test requirement, have a minimum of one year of successful teaching experience under a valid out-of-State certificate/license, and hold a New Jersey instructional endorsement.
- (n) With the exception of military science, preschool through grade 3, and experience-based vocational endorsements, candidates who hold a standard New Jersey instructional certificate shall be issued the appropriate standard special education endorsement upon completion of a Department-approved college special education program. Holders of the military science, preschool through grade 3 and experience-based vocational endorsements shall complete all the requirements in (b) above and a Department-approved special education program to be eligible for a standard special education endorsement.
- (o) Holders of standard certificates with special education endorsements shall be issued additional instructional certificates when they meet the requirements for a CE pursuant to N.J.A.C. 6A:9-8.1(a).

- (p) Those individuals currently teaching in the field of special education under emergency certification may continue to do so until [January 20] August 31, 2006.
- (q) Candidates in possession of a written evaluation completed by the Office prior to January 20, 2004 will have until [January 20] August 31, 2006 to complete the requirements set forth in the written evaluation.

6A:9-11.4 Bilingual/bicultural education

- (a) To be eligible for the bilingual/bicultural CE, the candidate shall:
 - 1. Possess or be eligible for a standard or provisional New Jersey instructional certificate with an appropriate endorsement to the subject or grade level to be taught; and
 - 2. Pass an oral and written proficiency test in both English and the target language.
- (b) To be eligible for the bilingual/bicultural CEAS, the candidate shall complete the requirements in (a) above and a Department-approved college program for the preparation of teachers of bilingual/bicultural education.

- (c) To be eligible for a provisional certificate, a candidate shall:
1. Possess a CE or a CEAS in bilingual/bicultural education and an instructional certificate with an endorsement appropriate to the subject or grade level to be taught; and
 2. Obtain an offer of employment in a position that requires certification as teacher of bilingual/bicultural education.
- (d) No person shall be employed under provisional certification for more than five years in a position requiring certification as a teacher of bilingual/bicultural education.
- (e) While teaching under provisional certification, a candidate with a bilingual/bicultural education CE shall complete:
1. A state-approved district training program pursuant to N.J.A.C. 6A:9-8.3 and 8.4, and
 2. A Department approved college program that includes 12 credit hours of formal instruction in the following topics:
 - i. Linguistics;

- ii. Language acquisition;
 - iii. Developing literacy skills for the second language learner;
 - iv. Methods of teaching content in bilingual education; and
 - v. Theory and practice of teaching bilingual education.
- (f) While teaching under provisional certification, a candidate with a bilingual/bicultural education CEAS shall complete a State-approved district training program.
- (g) While teaching under provisional certification, a candidate with a CEAS in the subject or grade level to be taught bilingually shall complete (e)1 and 2 above.
- (h) To be eligible for a standard certificate, a candidate shall:
- 1. Hold a standard New Jersey instructional certificate with an endorsement appropriate to the subject or grade level to be taught, hold a provisional certificate pursuant to (c) above and complete the requirements in (e) above while employed provisionally in a position requiring the bilingual endorsement; or
 - 2. Complete a state-approved college bilingual/bicultural education preparation program in another state, hold a standard New Jersey instructional certificate with an endorsement appropriate to the subject or

grade level to be taught bilingually, complete the oral and written language proficiency test in both English and the target language, and have a minimum of one year of successful teaching experience under a valid out-of-State certificate/license.

- (i) With the exception of the military science, preschool through grade 3 and experience-based vocational endorsements, candidates who hold a standard New Jersey instructional certificate with an endorsement appropriate to subject or grade level to be taught bilingually shall be issued the standard bilingual/bicultural education endorsement upon completion of the oral and written language proficiency test in English and the target language and a state approved bilingual education program. Holders of the military science, preschool through grade 3 and experience-based vocational endorsements must complete all requirements in (b) above and a Department-approved college bilingual/bicultural program to be eligible for standard bilingual/bicultural education certification.
- (j) Those individuals currently teaching under emergency bilingual/bicultural education certification may continue to teach until [January 20] August 31, 2006.
- (k) Candidates in possession of a written evaluation completed by the Office prior to January 20, 2004 will have until [January 20] August 31, 2006 to complete the requirements set forth in the written evaluation.

6A:9-11.5 English as a second language

(a) To be eligible for the English as a second language (ESL) CE, the candidate shall:

1. Hold a bachelor's or higher degree from a regionally accredited college or university;
2. For those applicants graduating before September 1, 2004, hold a cumulative GPA of at least 2.50 when a GPA of 4.00 equals an A grade in a baccalaureate degree program, higher degree program or in a State-approved post-baccalaureate certification program with a minimum of 13 semester hour credits; for those applicants who graduate on or after September 1, 2004, achieve a cumulative GPA of at least 2.75 when a GPA of 4.00 equals an A grade in a baccalaureate degree program, higher degree program or in a State-approved post-baccalaureate certification program with a minimum of 13 semester-hour credits;
3. Pass an oral and written English language proficiency test; and
4. Pass an examination in physiology, hygiene and substance abuse issues pursuant to N.J.A.C. 6A:9-5.9.

- (b) To be eligible for the ESL CEAS, the candidate shall complete the requirements in (a) above and a Department-approved college program for the preparation of ESL teachers.
- (c) To be eligible for a provisional certificate, the candidate shall:
 - 1 Possess an ESL CE or CEAS; and
 - 2. Obtain an offer of employment in a position that requires ESL certification.
- (d) No person shall be employed under a provisional certificate for more than five years in a position requiring ESL certification.
- (e) While teaching under provisional certification, the candidate shall complete:
 - 1. A State-approved training program pursuant to N.J.A.C. 6A:9-8.3 and 8.4;
and
 - 2. A Department-approved college program that includes a range of 15 to 21 credit hours of formal instruction in the following topics:
 - i. The historical and cultural backgrounds of limited English proficient students;

- ii. Linguistics;
- iii. Language acquisition;
- iv. The structure of American English;
- v. Developing literacy skills for the second language learner;
- vi. Methods of teaching ESL including teaching English through content; and
- vii. Theory and practice of teaching ESL.

(f) To be eligible for a standard certificate with an ESL endorsement, the candidate shall:

- 1. Hold a provisional certificate pursuant to (c) above and complete requirements in (e) above while employed provisionally in a position requiring the ESL endorsement; or
- 2. Complete a state-approved college ESL preparation program in another state, complete the oral and written language proficiency test in English, and have a minimum of one year of successful teaching experience under a valid out-of-State certificate/license.

(g) With the exception of the military science, preschool through grade 3 and experience-based vocational endorsements, candidates who hold a standard New Jersey instructional certificate shall be issued the standard ESL endorsement upon

successful completion of the oral and written language proficiency test in English and a Department-approved college ESL program.

- (h) Those individuals currently teaching under emergency English as a Second Language certification may continue to teach until [January 20] August 31, 2006.
- (i) Candidates in possession of a written evaluation completed by the Office prior to January 20, 2004 will have until [January 20] August 31, 2006 to complete the requirements set forth in the written evaluation.